

1
2
3
4
5
6
7
8
9
10
11
12

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH HOLMES, JR.,

Defendant.

2:21-CR-212-APG-EJY

Final Order of Forfeiture

13 The United States District Court for the District of Nevada entered an Amended
14 Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2) ; 18
15 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(2)(B); 18 U.S.C.
16 § 1029(c)(1)(C) with 1029(c)(2); and 21 U.S.C. § 853(p) based upon the plea of guilty by
17 Joseph Holmes, Jr., to the criminal offenses, forfeiting the property set forth in the Plea
18 Agreement and the Forfeiture Allegation of the Criminal Information and shown by the
19 United States to have the requisite nexus to the offenses to which Joseph Holmes, Jr., pled
20 guilty. Criminal Information, ECF No. 51; Plea Agreement, ECF No. 53; Arraignment &
21 Plea, ECF No. 55; Amended Preliminary Order of Forfeiture, ECF No. 66.

22 This Court finds that on the government's motion, the Court may at any time enter
23 an order of forfeiture or amend an existing order of forfeiture to include subsequently
24 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
25 32.2(b)(2)(C).

26 This Court finds the United States published the notice of forfeiture in accordance
27 with the law via the official government internet forfeiture site, www.forfeiture.gov,
28 consecutively from September 4, 2021, through October 3, 2021, notifying all potential third

1 parties of their right to petition the Court. Notice of Filing Proof of Publication, ECF No.
2 56-1, p. 5.

3 This Court finds the United States notified known third parties by regular mail and
4 certified mail return receipt requested of their right to petition the Court. Notice of Filing
5 Service of Process – Mailing, ECF No. 58.

6 On September 30, 2021, the United States Attorney’s Office served Rita Saenz,
7 Director of California Employee Development Department, by regular and certified return
8 receipt mail with the Preliminary Order of Forfeiture and the Notice. Notice of Filing
9 Service of Process – Mailing, ECF No. 58-1, p. 3-14, 16-18, 28.

10 On September 30, 2021, the United States Attorney’s Office served Carole Vigne,
11 General Counsel for the California Employee Development Department by regular and
12 certified return receipt mail with the Preliminary Order of Forfeiture and the Notice. Notice
13 of Filing Service of Process – Mailing, ECF No. 58-1, p. 3-14, 19-21, 28.

14 On September 30, 2021, the United States Attorney’s Office served Carol Williams,
15 Chief Deputy Director of Operations for the California Employee Development
16 Department by regular and certified return receipt mail with the Preliminary Order of
17 Forfeiture and the Notice. Notice of Filing Service of Process – Mailing, ECF No. 58-1, p.
18 3-14, 22-24, 28.

19 On September 30, 2021, the United States Attorney’s Office served Nancy Farias,
20 Chief Deputy Director of External Affairs for the California Employee Development
21 Department by regular and certified return receipt mail with the Preliminary Order of
22 Forfeiture and the Notice. Notice of Filing Service of Process – Mailing, ECF No. 58-1, p.
23 3-14, 25-28.

24 On September 30, 2021, the United States Attorney’s Office served Kevin Matulich,
25 Deputy Director of the California Employee Development Department by regular and
26 certified return receipt mail with the Preliminary Order of Forfeiture and the Notice. Notice
27 of Filing Service of Process – Mailing, ECF No. 58-1, p. 3-14, 29-33.

28 / / /

1 On September 30, 2021, the United States Attorney's Office served California
2 Governor Gavin Newsom by regular and certified return receipt mail with the Preliminary
3 Order of Forfeiture and the Notice. Notice of Filing Service of Process – Mailing, ECF No.
4 58-1, p. 3-14, 34-36, 40.

5 On September 30, 2021, the United States Attorney's Office served Shirley N.
6 Weber, Ph.D., California Secretary of State, by regular and certified return receipt mail with
7 the Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process –
8 Mailing, ECF No. 58-1, p. 3-14, 37-40.

9 On September 30, 2021, the United States Attorney's Office served Rob Bonta,
10 California Attorney General, by regular and certified return receipt mail with the
11 Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process –
12 Mailing, ECF No. 58-1, p. 3-14, 41-44.

13 This Court entered California Employment Development Departments (CEDD)
14 Motion for Remission or Mitigation of a Criminal Forfeiture Action, ECF No. 57, on
15 November 8, 2021, with the signature of Rosa Martinez, Investigation Division.

16 On November 22, 2021, the United States filed a Motion to Dismiss CEDD's
17 Remission Motion, ECF No. 57, for Lack of Jurisdiction and Failure to State a Claim Upon
18 which Relief Can be Granted. ECF No. 60.

19 On December 9, 2021, the Court granted the Motion to Dismiss CEDD's Motion for
20 Remission or Mitigation. ECF No. 65.

21 This Court finds no other petition was filed herein by or on behalf of any person or
22 entity and the time for filing such petitions and claims has expired.

23 This Court finds no petitions are pending regarding the property named herein and
24 the time has expired for presenting such petitions.

25 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
26 all possessory rights, ownership rights, and all rights, titles, and interests in the property
27 hereinafter described are condemned, forfeited, and vested in the United States pursuant to
28 Fed. R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C.

§ 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(2)(B); 18 U.S.C. § 1029(c)(1)(C) with 1029(c)(2); 21 U.S.C. § 853(p); and 21 U.S.C. § 853(n)(7) and shall be disposed of according to law:

1. \$89,710 in United States Currency;
2. a debit card with the last four digits of the account number being 0913 issued in the name of S.F.;
3. a debit card with the last four digits of the account number being 5158 issued in the name of V.B.;
4. a debit card with the last four digits of the account number being 8208 issued in the name of J.S.;
5. a debit card with the last four digits of the account number being 5504 issued in the name of D.Wi.;
6. a debit card with the last four digits of the account number being 0404 issued in the name of I.S.;
7. a debit card with the last four digits of the account number being 9414 issued in the name of D.H.;
8. a debit card with the last four digits of the account number being 0327 issued in the name of T.Y.;
9. a debit card with the last four digits of the account number being 2658 issued in the name of D.P.;
10. a debit card with the last four digits of the account number being 0689 issued in the name of K.T.;
11. a debit card with the last four digits of the account number being 5802 issued in the name of J.B.;
12. a debit card with the last four digits of the account number being 2317 issued in the name of D.Wa.;
13. a debit card with the last four digits of the account number being 8028 issued in the name of B.W.;

1 14. a debit card with the last four digits of the account number being 4370 issued in
2 the name of O.C.;

3 15. a debit card with the last four digits of the account number being 8184 issued in
4 the name of J.M.;

5 16. a debit card with the last four digits of the account number being 8703 issued in
6 the name of C.W.;

7 17. a debit card with the last four digits of the account number being 2873 issued in
8 the name of T.B.;

9 18. a debit card with the last four digits of the account number being 0196 issued in
10 the name of D.R.; and

11 19. digital devices seized on September 18, 2020 during defendant's arrest, including
12 but not limited to: (a) five (5) iPhones with unknown serial numbers; (b) silver
13 Mac Book Air, serial # FVFCPDCUMNHQ; (c) black Lenovo laptop, serial #
14 PBH394C; (d) silver HP laptop, serial # 5CD03230PN3; (e) silver HP laptop,
15 serial # 5CG0246KGD; and (f) gray iPad, serial # DMPD9R9NLM93
16 (all of which constitutes property).

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
18 forfeited funds, including but not limited to, currency, currency equivalents, certificates of
19 deposit, as well as any income derived as a result of the government's management of any
20 property forfeited herein, and the proceeds from the sale of any forfeited property shall be
21 disposed of according to law.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
23 copies of this Order to all counsel of record.

24 DATED December 21, 2021.

25
26
27 
28 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE